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W.M.P.No.13150 of 2020  
in  
W.P.No. 11175 of 2005

**G.K.ILANTHIRAIYAN, J.**

This Writ Miscellaneous Petition has been filed to condone the delay of 4203 days in filing the application to restore the W.P.No.11175 of 2005, which was dismissed for default on 06.08.2008.

2. The petitioner filed writ petition challenging the notification, issued under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act XXXI of 1978), dated 17.08.2004.

3. The petitioner owned agricultural lands comprised in S.F.No.211/3A to an extent of 2.81.5 hectare, in S.F.No.215/3A to an extent of 0.07.5 hectare, in 215/4 to an extent of 0.08.0 hectare, in S.F.No.253/1 to an extent of 0.61.0 hectare, in S.F.No.343/5 to an extent of 0.08.0 hectare, in S.F.No.344/1B to an extent of 0.11.0 hectare, in S.F.No.344/3 to an extent of 0.11.0 hectare, in S.F.No.215/10 to an extent of 0.32.0 hectare and in S.F.No.344/13 to an extent of 0.45.5 hectare situated at Nallantholuvu Village, T.Mettupalayam, Vellode, Erode District, in which, the land comprised in RS.No.215/10 measuring an extent of 0.68.0 hectare situated at Nallantholuvu Village, T.Mettupalayam, Vellode, Erode District was notified under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act XXXI of 1978) to acquire the same for the purpose of issuance of house sites patta to the Adi Dravidars. The petitioner was duly issued with notice on 19.05.2003, thereby calling upon him to file his objections with regard to



proposed acquisition of the subject land. The petitioner appeared before the second respondent and filed his objections that the subject land to be acquired by the respondent comes under Lower Bhavani Ayacut and that acquisition of such lands are specifically prohibited by orders passed by the Government. The suitable lands with basic amenities were available at cheaper rates than the subject lands. The subject land is situated at adjacent to the burial ground for Harijans.

4. That apart, the petitioner claimed to be a small farmer. His objections were duly considered by the second respondent and also recording the statement of the Village Administrative Officer found that the petitioner is a small farmer and he owned property to an extent of 4.65.5 hectare of agricultural land in the Nallantholuvu Village, T.Mettupalayam, Vellode, Erode District and he is cultivating the same.

5. Thereafter, the second respondent has passed an award on 22.02.2005 and the same was duly communicated to the petitioner, which he received on 19.03.2005. The writ petition was filed challenging the notification after passing the award on the ground that his objections were not duly considered. After passing an award, the petitioner again challenged the notification issued under Section 4(1) of the Act. That apart after passing the award, entire compensation amount of Rs.98,660/- was deposited before the Sub Court, Erode on 03.05.2005 and possession of the subject land had been taken over as early as on 04.04.2005. The lands, comprised in S.F.No.215/4 to an extent of 0.04.0 hectare, in S.F.No.215/6 to an extent of 0.12.0 hectare, in S.F.No.215/9 to an extent of 0.20.0 hectare and the subject land comprised in



S.F.No.215/10 admeasuring 0.32.0 hectare were acquired and divided into 30 house plots and pattas were issued to the eligible beneficiaries. In fact, the house sites were measured and handed over to the beneficiaries as early as on 03.03.2020.

6. A perusal of the affidavit filed in the condone delay petition reveals that the petitioner came to know that the erstwhile advocate was not keeping good health at that time and he also was not aware of the dismissal. Except these reasons, no other reasons stated in his affidavit to substantiate the huge delay of 4203 days. That apart, the petitioner has no merits to succeed in the main writ petition. Therefore, if the delay condoned, no purpose would be served to the petitioner.

7. In view of the above, this writ petition stands dismissed. No costs.

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